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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**NOTICE OF AMENDED<sup>2</sup> AGENDA OF MATTERS  
SCHEDULED FOR HEARING ON JUNE 27, 2023 AT 2:30 P.M. (ET)**

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

<sup>2</sup> **Amended items in bold.**

## **I. MATTERS GOING FORWARD**

1. Debtors' Motion for Entry of an Order (I)(A) Approving the Auction and Bidding Procedures, (B) Approving Stalking Horse Bid Protections, (C) Scheduling Bid Deadlines and an Auction, (D) Approving the Form and Manner of Notice Thereof, (E) Approving the Form APA, and (II)(A) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, (B) Authorizing the Assumption and Assignment of Assumed Contracts, (C) Authorizing the Sale of Assets, and (D) Granting Related Relief [Docket No. 29]

### **A. Related Documents**

- Order (I) Approving the Auction and Bidding Procedures, (II) Approving Stalking Horse Bid Protections, (III) Scheduling Bid Deadlines and an Auction, (IV) Approving the Form and Manner of Notice Thereof, (V) Approving the Form APA, and (IV) Granting Related Relief [Docket No. 92]
- Notice of Extension of Dates and Deadlines Related to the Debtors' Bidding Procedures [Docket No. 392]
- Notice of Further Extension of Dates and Deadlines Related to the Debtors' Bidding Procedures [Docket No. 597]
- Notice of Further Extension of Dates and Deadlines Related to the Debtors' Bidding Procedures [Docket No. 665]
- Notice of Further Extension of Dates and Deadlines Related to the Debtors' Bidding Procedures [Docket No. 692]
- Notice of Selection of Stalking Horse Bidder [Docket No. 708]
- Notice to Contract Parties to Potentially Assumed Executory Contracts And Unexpired Leases [Docket No. 714]
- Order Authorizing the Debtors to (I) Designate Overstock.com, Inc. as the Stalking Horse Bidder; and (II) Enter Into the Stalking Horse Agreement [Docket No. 791]
- Notice of Successful Bidder and Backup Bidders with Respect to the Stalking Horse Bid and June 21, 2023 Auction [Docket No. 877]
- Notice of Amendment of Cure Objection Deadline [Docket No. 952]

- **Debtors' Omnibus Reply to Objections Related to the Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 1079]**
- **Declaration of Christian Tempke in Support of Entry of an Order (I) Approving the Sale of Acquired Assets Free and Clear of All Claims, Liens, Rights, Interests and Encumbrances, (II) Authorizing the Debtors to Enter Into and Perform their Obligations under their Stalking Horse Purchase Agreement, (III) Approving Assumption and Assignment of Certain Executory Contracts and (IV) Granting Related Relief [Docket No. 1088]**

**Status: This matter is going forward with permission of the Court.**

2. Debtors' Motion for Entry of an Order Pursuant to Sections 365 and 363 Approving the Lease Termination Agreement with CP Venture Five – AV LLC [Docket No. 773]

A. Related Documents

- Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Docket No. 10]
- Application for Order Shortening Time [Docket No. 774]
- Order Shortening Time Period for Notice and Hearing Date [Docket No. 783]

**Status: This matter is going forward with permission of the Court.**

3. Debtors' Motion for Entry of an Order Pursuant to Sections 365 and 363 Approving the Lease Termination Agreement with Agua Mansa Commerce Phase I, LLC [Docket No. 724]

A. Related Documents

- Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Docket No. 10]
- Application for Order Shortening Time [Docket No. 725]
- Order Shortening Time Period for Notice and Hearing Date [Docket No. 732]

- Notice of Filing of Revised Order Pursuant to Sections 365 and 363 Approving the Lease Termination Agreement with Agua Mansa Commerce Phase I, LLC [Docket No. 967]
- **Declaration of Douglas Roberts in Support of Debtors' Motion for entry of an Order Pursuant to Sections 365 and 363 Approving the Lease Termination Agreement with Agua Mansa Commerce Phase I, LLC [Docket No. 997]**

**Status: This matter is going forward with permission of the Court.**

4. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Use of Existing Business Forms and Records, (B) Maintain Existing Corporate Bank Accounts and Cash Management System, (C) Pay Prepetition Bank Fees Associated With the Cash Management System, and (D) Continue Performance of Intercompany Transactions; (II) Granting Administrative Expense Status to Postpetition Intercompany Balances; and (III) Waiving Certain U.S. Trustee Requirements for a Period Not to Exceed Thirty Days [Docket No. 18]

A. Related Documents

- Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Docket No. 10]
- Interim Order (I) Authorizing the Debtors to (A) Continue Use of Existing Business Forms and Records, (B) Maintain Existing Corporate Bank Accounts and Cash Management System, (C) Pay Prepetition Bank Fees Associated With the Cash Management System, and (D) Continue Performance of Intercompany Transactions; (II) Granting Administrative Expense Status to Postpetition Intercompany Balances; and (III) Waiving Certain U.S. Trustee Requirements for a Period Not to Exceed Thirty Days [Docket No. 78]
- Notice of Filing of Proposed Second Interim Order (I) Authorizing the Debtors to (A) Continue Use of Existing Business Forms and Records, (B) Maintain Existing Corporate Bank Accounts and Cash Management System, (C) Pay Prepetition Bank Fees Associated With the Cash Management System, and (D) Continue Performance of Intercompany Transactions; (II) Granting Administrative Expense Status to Postpetition Intercompany Balances; and (III) Waiving Certain U.S. Trustee Requirements for a Period Not to Exceed Thirty Days [Docket No. 326]
- Second Interim Order (I) Authorizing the Debtors to (A) Continue Use of Existing Business Forms and Records, (B) Maintain Existing Corporate Bank Accounts and Cash Management System, (C) Pay Prepetition Bank Fees Associated With the Cash Management System,

and (D) Continue Performance of Intercompany Transactions; (II) Granting Administrative Expense Status to Postpetition Intercompany Balances; and (III) Waiving Certain U.S. Trustee Requirements for a Period Not to Exceed Thirty Days [Docket No. 379]

- Notice of Adjournment of Final Hearing on the Cash Management Motion from May 31, 2023 to June 6, 2023 [Docket No. 491]
- Notice of Adjournment of Hearings from June 6, 2023 to June 14, 2023 [Docket No. 627]
- Notice of Amended Agenda of Matters Scheduled for Hearings on June 14, 2023 at 11:00 a.m. (ET) [Docket No. 717]
- **Notice of Filing of Proposed Final Order (I) Authorizing the Debtors to (A) Continue Use of Existing Business Forms and Records, (B) Maintaining Existing Corporate Bank Accounts and Cash Management System, (C) Pay Prepetition Bank Fees Associated With The Cash Management System, and (D) Continue Performance of Intercompany Transactions; (II) Granting Administrative Expense Status to Postpetition Intercompany Balances; and (III) Waiving Certain U.S. Trustee Requirements for a Period Not to Exceed Thirty Days [Docket No. 1075]**

**Status: This matter is going forward with permission of the Court.**

5. Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief [Docket No. 644]

A. Related Documents

- Declaration of Holly Etlin, Chief Restructuring Officer and Chief Financial Officer of Bed Bath & Beyond Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Docket No. 10]
- Application for Order Shortening Time [Docket No. 645]
- Order Shortening Time Period for Notice [Docket No. 664]
- Notice of Amended Agenda of Matters Scheduled for Hearings on June 14, 2023 at 11:00 a.m. (ET) [Docket No. 717]
- **Notice of Filing of Proposed Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption**

**and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief [Docket No. 1090]**

**B. Responses/Objections**

- Federal Heath Sign Company LLC's Limited Objection to Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief [Docket No. 792]
- Exhibit to Objection filed by Federal Heath Sign Company [Docket No. 793]
- JMCR Sherman, LP's Objection to Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief [Docket No. 888]
- **Objection of ML-MJW Port Chester SC Owner LLC to Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief [Docket No. 1086]**
- **Notice of Withdrawal of Federal Heath Sign Company LLC's Limited Objection to Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain Unexpired Leases Free and Clear of Liens, Claims, Encumbrances, and Other Interests; (II) Approving Assumption and Assignment of Certain Unexpired Leases; and (III) Granting Related Relief [Docket No. 1092]**
- **Notice of Withdrawal of Document [Docket No. 1093]**

**Status:** This matter is going forward with permission of the Court with respect to all proposed sales, except the proposed sale of the lease for Store #788. The Debtors have adjourned the hearing with respect to the proposed sale of the lease for Store #788 to the July Omnibus Hearing.

6. **Motion of the Ad Hoc Group, Pursuant to 11 U.S.C. § 105(a), Fed R. Civ. P. 60(b), and Fed. R. Bankr. P. 4001(c) and 9024, for (A) an Order Vacating the Interim and Final Orders Authorizing the Debtors To, Among Other Things, Obtain Postpetition Financing, and (B) Other Related Relief [Docket No. 982]**

**A. Related Documents**

- **Notice of Motion of the Ad Hoc Bondholder Group (I) for Authority to File Under Seal the Ad Hoc Bondholder Group's Motion, Pursuant to 11 U.S.C. § 105(a), Fed. R. Civ. P. 60(b), and Fed. R. Bankr. P. 4001(c) and 9024, and Declaration in Support (A) for an Order Vacating the Interim and Final Orders, Among Other Things, Authorizing the Debtors to Obtain Postpetition Financing, and (B) for Other Related Relief, and (II) for Other Related Relief [Docket No. 983]**
- **Application for Order Shortening Time and Certain Other Relief [Docket No. 984]**
- **Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1007]**
- **Revised Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1014]**
- **Revised Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 1068]**
- **Letter to Honorable Vincent F. Papalia, United States Bankruptcy Judge [Docket No. 1091]**

**B. Reponses/Objections**

- **Sixth Street Specialty Lending LLC Letter re Reconsideration Motion [Docket No. 1014]**
- **Debtors' Objection to the Motion of the Ad Hoc Group, Pursuant to 11 U.S.C. § 105(a), Fed. R. Civ. P. 60(a), and Fed. R. Bankr. P. 4001(c) and 9024, for (A) an Order Vacating the Interim and Final Orders Authorizing the Debtors To, Among Other Things, Obtain Postpetition Financing, and (B) Other Related Relief [Docket No. 1081]**

**Status:** This matter is adjourned, in part, and going forward, in part, as it relates to (a) the Ad Hoc Bondholders' Group's request for a limited extension of the Challenge Period; and (b) the Motion to Seal at the direction of the Court.

Dated: June 27, 2023

*/s/ Michael D. Sirota*

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